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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,362	12/22/2000	David W. Green	D5407-123	2196
	7590		584-25557-US	
Gary R. Maze Duane, Morris & Heckscher LLP Suite 500 One Greenway Plaza Houston, TX 77046			EXAMINER DAS, CHAMELI	
			ART UNIT 2122	PAPER NUMBER
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/746,362

Applicant(s)

GREEN ET AL

Examiner

C.DAS

Art Unit

2122

-- Th MAILING DATE of this communication appears on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are pending.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Specification

3. The disclosure is objected to because of the following informalities: missing application information in lines 12-13 and 17-18 of page 1 of the specification, in lines 1-13 and 17-18 of page 5, in lines 2-3 of page 6, line 17 of page 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helland et al (Helland), US 6,134,594 and further in view of Hardiman et al, (Hardiman), US 5,504,672.

As per claim 1, Helland discloses:

- at least one memory store operatively connected to the processing unit

(Helland, col 4 lines 62-67)

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- extensible N-tier software resident in and executable within the at least one processing unit (Helland, abstract, col 4 lines 3-7, col 7 lines 5-10)
- inventory of software components resident in the memory store for use by the software (abstract, col 5 lines 37-45)
- an input device... processing unit (col 5 lines 13-16)
- an output device ... processing unit (col 5 lines 13-16)
- at least one tier created by the extensible N-tier .. software component (abstract, col 6 lines 41-50, col 13 lines 25-35, col 20 lines 20-29).

Helland discloses the software component being selectively representative of a requirement of an application program (col 6 lines 40-52).

Helland does not specifically disclose that the software is an asset of the petroleum company. However, Hardiman disclose that the software is an asset of the petroleum company (Hardiman, col 11 lines 61-67, col 12 lines 1-2). The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a method for an industrial application.

As per claim 2, neither Helland nor Hardiman disclose that the software comprises field components, well components and log components. However, official notice is taken for field components, well components and log components for the oil field. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a method for petroleum industry efficiently.

As per claim 3, Helland discloses the output device display ... combination thereof (col 5 lines 45-55, col 6 lines 40-52, col 7 lines 5-10).

As per claim 4, applications generated using the N-tier software (Abstract, col 6 lines 41-52, col 7 lines 5-10, col 20 lines 20-30), applications generated using the N-

tier software in response to internal trigger, external trigger (col 6 lines 60-63, col 9 lines 20-37).

Helland discloses the additional software may be created (col 4 lines 40-47). Helland does not specifically disclose that the additional software may be created or modified by user input. However, the back ground section of Helland disclosure shows the software may be created or modified by user input (col 2 lines 55-62).

The background section does not specifically disclose modified manually by the user. However, official notice is taken for modifying the method *manually* by the user. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a user friendly method.

Helland does not specifically disclose that software is generated *automatically*. However, official notice is taken for *automatically* generating the software. The modification would be obvious because one of the ordinary skill in the art would be motivated to provide as much automation as possible to reduce the work load on the developer and thus make the system easier to use.

Regarding claim 5, Helland discloses:

- selecting a software component from an inventory of software components... subset of assest of the set of assest (col 23 lines 5-10)
- obtaining a software component from outside the inventory ... from the inventory (col 9 lines 40-60, col 14 lines 38-45)
- defining relationships for each selected ... with tier (abstract, col 2 lines 63-67 and col 3 lines 1-5, col 4 lines 38-60, col 11 lines 5-15, col 23 lines 5-10)
- defining the sequencing of each of the software components ... invocable application (col 6 lines 40-65)
- whereby the requirements... satisfied (col 23 lines 5-15).

For the rest of the limitations see the rejection of claim 1 above.

Regarding claim 7, Helland discloses a change menu programmatically accessed (Helland, col 11 lines 27-32). Helland does not disclose change menu may be manually accessed. However, official notice is taken for modifying the method *manually* by the user. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a user friendly method.

Regarding claim 8, Helland discloses:

- creating one or more processing software components to process data ... predefined amount of data (col 9 lines 42-48, col 7 lines 26-29, col 9 lines 55 col 10 lines 1-12, col 17 lines 21-27).

Regarding claim 9, Helland discloses:

- software components are distributed... units (col 3 lines 61-66, col 4 lines 54-60).

Regarding claim 10, Helland discloses:

- a computer program embodied within a computer readable medium (col 5 lines 20-35).

5. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helland et al (Helland), US 6,134,594 further in view of Hardiman et al, Hardiman, US 5,504,672 and McDonald et al, US 5,978,582.

Regarding claim 6, Helland discloses:

- selecting the software component from an inventory of software components (Helland, col 23 lines 5-10)
- associating one or more components (Helland, col 14 lines 60- col15 lines 1-45).

Helland does not specifically disclose that the selected software components represent predetermined number of components. However McDonald discloses that implementing a software object by selecting the component which represents the predetermined number of components (McDonald, abstract, col 30 lines 1-6, col 11 lines 51-60). Hardiman disclose that the software is an asset of the petroleum company (Hardiman, col 11 lines 61-67, col 12 lines 1-2). The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a method for an industrial application.

Neither Helland nor Hardiman disclose that the software comprises field components, well components and log components. However, official notice is taken for field components, well components and log components for the oil field. The modification would be obvious because one of the ordinary skill in the art would be motivated to implement a method for petroleum industry efficiently.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Multi-tier debugging, US 6202200 B1

TITLE: Flexible multi-platform partitioning for computer applications, US 5457797 A

TITLE: Point of sale system, method of operation thereof and programming for control thereof, US 6067527 A

TITLE: Distributed input/output system, US 4870564 A

TITLE: Method and apparatus for enabling server side distributed object modification, US 6263498 B1

TITLE: Component transaction server for developing and deploying transaction-intensive business applications, US 6266666 B1

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TITLE: Controller for well installations, US 4916617 A

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

CHAMELI C. DAS
PRIMARY EXAMINER

Art Unit 2122

2/14/04

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER